

**RULES
OF
TENNESSEE DEPARTMENT OF CONSERVATION
DIVISION OF SURFACE MINING**

**CHAPTER 0400-3-1
GENERAL PROVISIONS**

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0400-3-1-.01 PURPOSE.

The purpose of these regulations is to provide guidelines for the interpretation and definition of, and to detail the intent of *Sections 58-1540-58-1564, T.C.A.* entitled "The Tennessee Surface Mining Law," hereinafter referred to as "the Law," in order that compliance will be uniform, orderly, and prompt.

Authority: *T.C.A. Section 58-1543. Administrative History. Original Rule certified May 24, 1974. Amended, filed November 12, 1975, effective December 12, 1975.*

0400-3-1-.02 AUTHORITY.

These regulations are issued under the authority of *Section 58-1543, T.C.A.* in which responsibility for the administration and enforcement of the Law, and the promulgation of necessary regulations is delegated to the Commissioner of Conservation.

Authority: *T.C.A. Section 58-1543. Administrative History. Original Rule certified May 24, 1974. Amended, filed November 12, 1975, effective December 12, 1975.*

0400-3-1-.03 COMMISSIONER.

The word "Commissioner" means the Commissioner of the Department of Conservation or his designees, i.e., the Director of the Division of Surface Mining or his subordinates.

Authority: *T.C.A. Section 58-1543. Administrative History. Original Rule certified May 24, 1974.*

0400-3-1-.04 SCOPE.

These regulations establish general and specific rules for the reclamation of areas disturbed by surface mining operations (except limestone, marble, and dimension stone) including mining and reclamation procedures, revegetation of disturbed lands, and other matters pertaining to surface mining. Borrow pits, where the soil removed is to be used as fill material in construction, are not to be construed as surface mining as defined in these regulations,

Authority: *T.C.A. Section 58-1543. Administrative History. Original Rule certified May 24, 1974.*

0400-3-1-.05 MODIFICATIONS AND EXCEPTIONS.

In order to provide necessary flexibility in the administration of the Law and these regulations, the Commissioner may approve modifications or exceptions to these regulations consistent with the requirements of *Sections 58-1540-58-1564, T.C.A.*, where special conditions warrant. All requests for modifications or exceptions shall be submitted to the Commissioner in writing.

(Rule 0400-3-1-.05, continued)

Authority: *T.C.A. Section 58-1543. Administrative History. Original Rule certified May 24, 1974. Amended, filed November 12, 1975, effective December 12, 1975.*

0400-3-1-.06 REVIEW OF REGULATIONS.

As techniques in mining and reclamation develop, or new information becomes available, the Commissioner has the authority and discretion to incorporate improvements into the mining and reclamation procedures by altering these regulations or issuing new ones. These adjustments will become effective through addenda to these regulations which shall then have the force and effect of law.

Authority: *T.C.A. Section 58-1543. Administrative History. Original Rule filed May 17, 1974; effective June 17, 1974.*